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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, CUONG H	
ART UNIT	**PAPER NUMBER**
3625	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/024,734	PETERSON ET AL.
	Examiner	Art Unit
	CUONG H. NGUYEN	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is the answer to the amendment (Express Mail deposit on 1/30/2004) from applicants' representative (Mr. Kent E. Genin, register # 37,834), which paper has been placed in the file.

2. Claims **1-20** are pending in this application (claims 13-20 are newly added).

Response

3. The applicants' arguments are moot in view of new grounds of rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

4. Claim **11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hogan** et al. (US Pat. 6,016,343), in view of Crawford (US Pat. 5,901,228), further in view of Stambler (US Pat. 5,646,998).

A. Re. To claim **11**: Hogan et al. teach a call processing system and method comprising:

receiving at a communication server a request from a remotely located computer user to access one of the

plurality of unrelated host computer networks (see Hogan, Fig.1, ref. AA110 and ref. AA112);

automatically transmitting information regarding the request from the communication to the network access server the information comprising identification information for the remotely located computer user (see Hogan, Fig.8, ref. AF102 and Fig.9, ref. AG102);

determining at the network access server if the user is authorized to access the one of the plurality of unrelated host computer networks using a validation system and a fraud detection and prevention systems (see Hogan, Fig.8, ref. AF102 and Fig.9 refs. AG102, AG112);

establishing a connection between the remotely located computer user and the host computer via the server if the user is authorized (see Hogan, Fig. 1, refs. AA110, and AA112);

Storing usage charge information in a user log (see Hogan, Fig. 9, ref. AG106);

for each of the plurality of unrelated host computer networks, generating a listing charges and computer billing and computer time connection summary (see Hogan, Fig.9 ref. AG106, AG108); and

electronically transmitting each billing and computer usage summary to an appropriate one of the plurality of

unrelated host computer networks (see Hogan, Fig.10 ref. BA108).

Hogan et al. also suggest to create a duration of call by time-stamps of a beginning call and a conclusion of a call. There is extra charge to authorized user if there is an assistance of an operator "The *call* processing system also can include a *billing* system for determining the rates for calls and services, determining the costs for calls and services, and for generating bills to bill subscribers of the *call* processing system. The *billing* system includes a rating system, a rate file, and a toll file.

The *billing* system can provide rate quotes for a *call* that tell the requestor how much a *call* will cost. This feature can also be used by the *call* processing system to determine when the dollar amount left on a user's debit card is going to be depleted. In one embodiment, when a user places a debit card *call,* the operator console requests a rate quote from the *billing* system. The *billing* system looks up the rate for the *call* in the rate file. The rate can be based on the time of day, the distance over which the *call* is placed and the particular customer or user placing the *call*.

The *billing* system provides the quote to the operator console and to the NCP. The NCP retrieves information indicating the remaining dollar amount on the credit card.

The NCP then computes the amount of time that is remaining on the card based on the rate quote for the *call* and the remaining dollar amount. When the remaining time is about to expire, the user is provided with a warning indicating how much time is left. When the time expires, the *call* can be terminated or the user given options to replenish the debit card".

And "When a *call* is received by the *call* processing system for routing, a *billing* information record (BIR) is generated for the *call*. Among other information, the BIR is updated with timing information such as when the *call* is completed to a VRU or to an operator console or when it is terminated. When the *call* is completed, the BIR is sent to the *billing* system so the cost of the *call* can be calculated. The *billing* system uses the time information to compute wholesale and retail *call* durations. The *billing* system uses other information contained in or derived from the BIR such as time of day and distance of the *call* to retrieve a rate for the *call*. The *billing* system calculates a cost for the *call* (wholesale and/or retail) using the appropriate rate and the *call duration*. If required, a tax for the *call* is computed and added to the cost of the *call*. The cost information is stored in a toll file from which bills can be generated and sent to the appropriate subscriber."; from "a *billing* information record (BIR) is

generated for the *call*", one of ordinary skill in the art would know that the cost and BIR information could be stored in database for later audit information.

Although similar languages are not used in Hogan et al.'s patent. The examiner submits that Hogan et al. obviously suggest claimed limitations of:

- containing a list of networks and a list of users;
- creating a connecting duration of a call (to an appropriate network);
- storing said duration of time in a database;
- receiving a report containing that call's charges;
- generating a bill from above information; and
- transmit said bill to concerned parties.
- Crawford also discusses about monitoring access to a host network (see Crawford, 57:50-62, and 58:28-41); Crawford further discloses about accessing to a telephone company for data records that Hogan et al. do not expressly disclosed (see **Crawford**, in Detailed Description Text portion (para. 323):

"Host computer 104 next queries its communications controller 112 to determine whether the customer computer is calling in on a special charge telephone number (e.g., a 900 number) (decision block 1126). If it is, host computer 104 displays a message specifying the service charges and prompts for acceptance within a specified time (block 1128). This gives the customer the opportunity to exit before phone charges begin. Basic charge amounts are also displayed. If the customer does not accept within a specified time (decision block 1130), host computer logs sign-off information for billing and security (block 1132), signs off the customer computer 50 (block 1134), and disconnects (block 1136). If the customer does accept, then host computer 104 sets a Telco billing access flag 1002W within the customer control data block 1002 to indicate that billing is being handled by the telephone company instead of by the host computer 104 (block 1138)".

Hogan and Crawford do not expressly disclose that a third party perform a user's authentication.

However, Stambler discloses that idea (see Stambler, claim 16).

One with ordinary skill in the art would combine **Hogan** et al., Stambler, and Crawford 's disclosures for monitoring access for billing long distance calls and making authentication to users as in claim 11 's features (i.e., an authentication process has been done between a remote user and a host computer) because these steps give a host computer network enough information to bill a user directly and improve its record-keepings.

B. Re. To claims **3,8**: These claims are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hogan** et al. (US Pat. 6,016,343), in view of **Pepe** et al. (US Pat. 5,742,905).

In addition to **Hogan** et al.; **Pepe** et al. further disclose that "Text messaging systems may be connected to the PCI server through, for example, ***Frame Relay***, SMDS, ISDN, leased line interface, or other transport mechanism effective for supporting data communications may be used. An inter-message handling system protocol, such as X.400 (in which case X.400 gateway conversion is needed), or Internet SMTP or other protocols supported by an inter-working unit terminating the data transport interface, may be used to

forward messages between the PCI server 48 and the system accessing the PCI".

Since both **Hogan** et al., and **Pepe** et al. have similar suggestion of a billing system for long distance communications, **Pepe** et al. clearly disclose that frame relay is a familiar means for transport mechanism. One with ordinary skill in the art would recognize this use as an essential characteristic of this very close reference to combine **Pepe** et al.'s suggestion to **Hogan** et al.'s disclosure.

C. Re. To claim **1:** This claim is directed to a system for generating billing & related information containing similar limitations as in claim 11; therefore, it is obvious to one with ordinary skill in the art using similar rationales and references for 35 USC 103(a) rejection as above claim 11.

D. Re. To claims **2, 5**: These claim are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hogan** et al. (US Pat. 6,016,343), Crawford (US Pat. 5,901,228), further in view of the Official Notice.

The rationales and references for rejection of claim 1 are incorporated.

It is claimed that said system comprising a help desk computer in communication with the billing application, the help desk computer memory containing a list of authorized users who have accessed the help desk.

The Official Notice is taken here that this is analogous to a telephone operator wherein a user is recorded whenever a call is needed for assistance (through said operator); therefore, it is obvious to one with ordinary skill in the art for suggesting claimed feature.

E. Re. To claim 5: The rationales and references for rejection of claim 2 are incorporated.

It is claimed that a billing application is configured to receive the list of authorized users who have accessed the help desk and each bill generated for each of the plurality of unrelated host computer network further comprises a list of help desk charges.

The Official Notice is taken here that this is analogous to a telephone operator wherein a user is recorded whenever a call is needed for assistance (through said operator), e.g., from Wash. D.C. to calling to Japan is different to calling to Richmond, VA (thru. an operator), and a corresponding bill could include a list of "help desk" charges; therefore, it is obvious to one with ordinary skill in the art for suggesting claimed feature.

F. Re. To claims 4, 6: They are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (US Pat. 6,016,343), in view of Crawford (US Pat. 5,901,228), and further in view of Pepe et al. (US Pat. 5,742,905).

The rationales and references for rejection of claim 1 are incorporated.

It is claimed that said database further comprises a list of groups for each host computer, wherein authorized users for each host computer network are associated with a group in the list of groups.

The examiner submits that this is analogous to a component of said system claim: a database of computer networks with authorized users. It is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection because Hogan et al., disclose this analogous element.

G. Re. To claim 6: The rationales and references for rejection of claim 1 are incorporated.

It is claimed that a billing application comprises logic.

The examiner submits that this is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection because Hogan et al., and Pepe et al. obviously suggest billing's logic.

H. Re. To claim 7: The rationales and references for rejection of claim 1 are incorporated.

It is claimed that a billing application comprises a billing computer.

The examiner submits that this is not an inventive concept since computers can be "integrated" or stand-alone.

This fact is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection.

I. Re. To claim **9**: The rationales and references for rejection of claim 1 are incorporated.

It is claimed that a billing application comprises a long distance carrier invoice for calls made by authorized users to each of the plurality of unrelated host computer networks.

The Official Notice is taken here that this claimed "system" have a "physical feature" that is analogous to a billing system with invoices (e.g., see cited **Crawford** in above rejection of claim 11). It is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection.

J. Re. To claim **10**: The rationales and references for rejection of claim 9 are incorporated.

It is claimed that a bill comprises a fixed charge for each authorized user.

The examiner submits that this is not an inventive concept since "a fixed charge" could be applied as "a flat rate" for Internet connection. This fact is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection.

K. Re. To claim **12**: The rationales and references for rejection of claim 11 are incorporated.

This claim is directed to a method for "monitoring access" to computer networks containing similar limitations

as in claim 11, that is extra operator charges in addition to a fixed charge are informed to host networks.

It would be obvious to one with ordinary skill in the art to teach that claimed limitation with similar rationales and references for 35 USC 103(a) rejection as in above claim 11.

L. As per claims 13-15: These claims have a common limitation of generating a billing and computer time usage summary further comprises receiving a long distance telephone company report/listing containing detailed charges associated with each of the respective unrelated host computer networks.

It would be obvious to one with ordinary skill in the art to recognize that Hogan's billing system (Fig.9, AG108) generates a detailed bill including a percentage of computer usage time for long-distance connections because this practice helps a customer to track every connection he made from Hogan's LOGBOX AG106.

M. As per claim 16: Hogan et al. teach about a step of recording starting and ending time for a long-distance connection to a host computer in LOGBOX AG106 (see Hogan, Fig.9).

N. As per claims 17-20: Hogan et al. also teach about a BILLING SYSTEM AG108 (see Fig.9) containing logics for

generating a bill/report for identifying costs associated with long-distance connections (e.g., including long-distance computer connections).

It is old and well-known to one of ordinary skill in the art to recognize that long-distance charges are based on certain time of day (e.g., a discounting rate for night-time connections), or based on certain time of week (e.g., a discounting rate for Saturday connection).

Conclusion

5. Claims **1-20** are not patentable.

6. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for

reply expire later than SIX MONTHS from the date of this final action.

6. This reference is also considered pertinent to applicants' subject matters.

- Kulczyckyj et al. (US Pat. 4,484,306 - 11/20/1984) teach about billing total computer time usages, and use them for record-keeping purposes.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687/703-746-5572.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

CHN

Cuonghnguyen

CUONG H. NGUYEN
Primary Examiner
Art Unit 3625